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Attorneys for Defendant: Otto Trucking LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF NEEL CHATTERJEE
IN SUPPORT OF DEFENDANT OTTO
TRUCKING LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS MOTION IN LIMINE
TO EXCLUDE THE TESTIMONY OF DR.
HESSELINK AND WAYMO'S
OPPOSITION THERETO**

Courtroom: 8, 19th Floor

Judge: Hon. William Alsup

Filed/Lodged Concurrently with:

1. Admin. Mot. to File Documents Under Seal
2. [Proposed] Order
3. Redacted/Unredacted Versions
4. Proof of Service

I, Neel Chatterjee, declare as follows:

1. I am a partner at the law firm of Goodwin Procter LLP, counsel of record for Defendant Otto Trucking LLC (“Otto Trucking”). I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendant Otto Trucking’s Administrative Motion to File Under Seal Portions of Its Portions of its Motion to Exclude Report and Testimony of Dr. Lambertus Hesselink and certain exhibits to Otto Trucking’s Motion to Exclude and Waymo’s Opposition to Otto Trucking’s Motion to Exclude and certain exhibits (the “Administrative Motion”).

2. I have reviewed the following documents and confirmed that only the portions identified below merit provisional sealing:

Document	Portions to Be Filed Under Seal	Designating Party
DEFENDANT’S OPENING MIL MATERIALS		
Otto Trucking’s Motion to Exclude Report and Testimony of Dr. Lambertus Hesselink	Highlighted Portions	Plaintiff
Exhibit 1 to Lin Declaration – excerpts to Opening Report of Dr. Lambertus Hesselink	Entire Document	Plaintiff
Exhibit 2 to Lin Declaration – excerpts to Reply Report of Dr. Lambertus Hesselink	Entire Document	Plaintiff
Exhibit 3 to Lin Declaration – excerpts to the transcript of the September 26, 2017 deposition of Dr. Lambertus Hesselink	Entire Document	Defendants
WAYMO’S OPPOSITION MATERIALS		
Plaintiff Waymo LLC’s Opposition to Defendant Otto Trucking’s Motion to Exclude Report and Testimony of Dr. Lambertus Hesselink (“Opposition”)	Highlighted Portions	Plaintiff
Exhibit 2 to the Declaration of Felipe Corredor (“Corredor	Entire Document	Plaintiff

Declaration")		
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3. The highlighted portions of Otto Trucking's Motion Exclude Testimony of Dr. Hesselink and the entirety of Exhibits 1 and 2 to the Lin Declaration contain information that Plaintiff Waymo LLC ("Waymo") has designated "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order in this case. Otto Trucking states no position about whether the confidentiality designations are appropriate.

4. Otto Trucking anticipates that Waymo will file any necessary declarations to seal the above information pursuant to Local Rule 79-5.

5. The highlighted portions of Waymo's Opposition and Exhibit 2 to the Corredor Declaration contain information that Waymo has designated in this Opposition as containing Defendants' "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order in this case. Otto Trucking states no position about whether the confidentiality designations are appropriate. Otto Trucking anticipates that Defendants Uber and Ottomotto will file any necessary declarations to seal the above information pursuant to Local Rule 79-5.

6. Exhibit 3 to the Lin Declaration contains highly confidential, sensitive business information relating to Otto Trucking's corporate structure and sensitive business and financial information. This information is not publicly known, and its confidentiality is strictly maintained. I understand that this information could be used by competitors to Otto Trucking's detriment, including in the context of negotiating business deals. If such information were made public, I understand Otto Trucking's competitive standing could be significantly harmed.

7. Otto Trucking's request to seal is narrowly tailored to those portions of Otto Trucking's Motion Exclude Testimony of Dr. Hesselink and its supporting documents and Waymo's Opposition and its supporting documents that merit sealing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 17th day of October, 2017 in Menlo Park, California.

/s/ Neel Chatterjee
Neel Chatterjee

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **October 17, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **October 17, 2017**.

/s/ Neel Chatterjee
NEEL CHATTERJEE